

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

AMBER D. HALL,

Plaintiff,

v.

**GESTAMP WEST VIRGINIA, LLC,
BARRY HOLSTEIN, KENNETH
SUPRENANT & SCOTT HUGHES,**

Defendant.

Civil Action No.: 2:20-cv-00146

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants Gestamp West Virginia, LLC (“Gestamp”), Kenneth Suprenant, and Scott Hughes (collectively “Defendants”) move this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure to grant summary in their favor on all claims asserted by Plaintiff Amber D. Hall (“Plaintiff” or “Hall”) on grounds that there exists no genuine issue of material fact on Plaintiff’s claims and the undisputed material facts warrant entry of judgment as a matter of law for Defendants. In support thereof, Defendants state as follows:

1. Under applicable summary judgment standards, summary judgment is warranted in this case because the undisputed factual evidence and substantive law foreclose Plaintiff from recovering against Defendants.

2. Plaintiff’s claims under the Family and Medical Leave Act and the West Virginia Human Rights Act (“WVHRA”) fail as a matter of law, and Plaintiff cannot demonstrate a genuine issue of material fact.

a. Plaintiff’s claim for disability discrimination under the WVHRA fails as a matter of law.

i. Plaintiff cannot prove a *prima facie* case of discrimination on the basis of an alleged disability.

ii. Plaintiff does not allege she requested or was denied a reasonable accommodation.

iii. All actions taken by Defendants with regard to Plaintiff's employment were taken for legitimate, non-discriminatory and non-retaliatory reasons, which Plaintiff cannot rebut.

b. Plaintiff cannot establish a genuine issue of material fact as to her claims for FMLA interference or retaliation.

i. Plaintiff cannot show she was a denied a benefit to which she was entitled under the FMLA, or that any alleged denial prejudiced Plaintiff.

ii. Plaintiff cannot show any causal connection between her FMLA leave and any adverse action.

iii. Plaintiff was terminated for a legitimate, non-retaliatory reason, and she cannot show pretext.

c. Plaintiff's gender discrimination claim fails as a matter of law.

i. Plaintiff cannot show a causal connection between her gender and any adverse action.

ii. Plaintiff was terminated for a legitimate, non-discriminatory reason, and she cannot show pretext.

3. The foregoing motion is based on the brief and evidentiary submissions submitted simultaneously herewith.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that this Court grant summary judgment on the Plaintiff's claims, certify the judgment as final under Rule 54(b) of the Federal Rules of Civil Procedure, and tax costs in favor of Defendants.

Respectfully submitted,

**GESTAMP WEST VIRGINIA, LLC;
KENNETH SUPRENANT; and
SCOTT HUGHES,**

By Counsel.

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CERTIFICATE OF SERVICE

I, Raj A. Shah, do hereby certify that on the **6th day of November, 2020**, I have served a true and exact copy of the foregoing **“DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT”** using the Court’s CM/ECF system, which will electronically deliver a true copy thereof upon counsel of record listed below:

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/s/ **Raj A. Shah** 11/06/2020

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